

Remarks

Claims 1-9, 11-13, 15-24, 26-28 and 30-34 are pending in this application. All pending claims were rejected. Reconsideration of all rejected claims is requested.

I. Rejection of Claims 1, 4, 9, 11, 15-17, 20-24, 26-28, 30, and 33-35 Under 35 U.S.C. §102(b)

Claims 1, 4, 9, 11, 15-17, 20-24, 26-28, 30, and 33-35 were rejected under 35 U.S.C. §102(b) as being anticipated by Gurstein et al. (5,870,791).

The applicant notes that this is the fifth time that Gurstein has been used as a basis for rejection. The last time Gurstein was used, the applicant appealed the rejection only to have prosecution reopened. At this point, the applicant respectfully notes that every possible configuration of Gurstein has been applied to the claims. The applicant requests that the claims be allowed or that the office reject the claims based on another reference in a non-final office action.

CLAIM 1

Claim 1 is reprinted as follows for convenience:

A wood floor edger comprising:
a first housing comprising a first opening, a second opening, a third opening, and a rotatable abrasive disc located proximate said first opening, said rotatable abrasive disc having a diameter greater than six inches;
a motor at least partially located in said second opening and drivingly connected to said abrasive disc;
a fan located in said first housing, said fan being drivingly connected to said motor; and

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an air path extending between said first opening and said third opening by way of said fan.

According to the office action, Gurstein discloses all the elements of claim 1. The applicant notes that in the office action dated June 27, 2005, Gurstein was the primary reference in a 103(a) obviousness rejection. At that time, the PTO stated that Gurstein does not disclose a third opening. As stated above, every possible configuration of Gurstein has been applied to these claims and now the office actions are contradicting one another at the expense of the applicant. Accordingly, based on the last office action, Gurstein does not disclose a third opening and, therefore, cannot anticipate claim 1.

The office action states that gurstein discloses a housing (shroud 4, deck 14, and cover 22), a first opening (located proximate the disc 6), a second opening (16 on either side of the bar defining 17), a third opening (24), a motor (8), and a fan (18) located in the first housing. The office action further states that an air path extends between the port and the first opening through the fan (5:50-58). The air path described in this section of Gurstein is shown in Fig. 4 as A and B. As shown in Fig. 4, neither portion of the air path (A or B) is located or extends into the first opening, which has been defined by the office action as containing the disc (6). The air paths (A and B) are used for cooling and, thus, would not extend proximate the disc (6) as doing so would cause dust to be blown through the motor and into the room in which the Gurstein device is being operated. This point has been argued in previous office action responses.

The fan (18) disclosed in Gurstein serves to cool the motor (8), which is described at column 5, lines 51-65 as follows:

Cooling fan 18 sucks air in through air inlet slots 24 and out under motor cover 22 through grooves 15, cooling both motor 8 and an upper surface of deck 14 while floor polisher 1 is in operation. The air flow is divided in two directions, along the top of deck 14 along grooves 15 under motor cover 22,

and also straight down through cooling fan 18 through the fins of motor 8. The two directions of the air flow created by cooling fan 18 are shown by the arrows A and B in FIG. 3. This cooling feature facilitates the cooling of motor 8 and the motor controller 25 which includes power factor correction means mounted on the reverse side of deck 14. This cooling system is of primary importance to the operation of floor polisher 1, as failure to adequately cool the motor controller 25 serving brushless D.C. or light weight motor 8 will quickly result in burnout of the controller.

Based on the foregoing, Gurstein does not disclose all the elements of claim 1 and cannot anticipate claim 1. The applicants contend that claim 1 is allowable and request reconsideration of the rejection.

CLAIMS 4, 9, 11-16, 20-24, 26-28, 30, 31, 33, and 34

Claims 4, 9, 11-16, 20-24, 26-28, 30, 31, 33, and 34 are deemed allowable by way of their dependence on allowable base claims and for other reasons. Therefore, the applicants request reconsideration of the rejections.

CLAIM 17

Claim 17 is independent and is reprinted as follows for convenience:

A wood floor edger comprising:
a first housing comprising a first opening, a second opening, a third opening, and a rotatable abrasive disc located adjacent said first opening;
a motor at least partially located in said second opening and drivingly connected to said abrasive disc;
a fan located in said first housing and proximate said third opening, said fan being drivingly connected to said motor;

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an air path extending between said first opening and said third opening by way of said fan; and

a motor controller electrically connected to said motor;

wherein said motor is operatable at a speed that is preselected by said motor controller.

Claim 17 was rejected on the same grounds as claim 1. Therefore, the applicants incorporate the rebuttals to the rejections of claim 1 into this rebuttal. As set forth above, Gurstein teaches away from the proposed combination. Therefore, it would not have been obvious to combine Gurstein with Barous, Palushi or Stewart. Based on the foregoing, the applicants request reconsideration of the rejection.

II. Rejection of Claims 12 and 27 Under 35 U.S.C. §103(a)

Claims 12 and 27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gurstein et al. (5,870,791) in view of anyone of Buser et al. (6,935,939), Oda et al. (6,447,383), or Howard (5,392,568).

Claims 12 and 27 are dependent on allowable base claims and are deemed allowable by way of their dependence and for other reasons. The applicants request reconsideration of the rejections.

III. Rejection of Claims 2, 3, 18, and 19 Under 35 U.S.C. §103(a)

Claims 2, 3, 18, and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gurstein et al. (5,870,791) in view of McCutchen (6,540,598).

Claims 2, 3, 18, and 19 are dependent on allowable base claims and are deemed allowable by way of their dependence and for other reasons. The applicants request reconsideration of the rejections.

In view of the above, all of the pending claims are now believed to be in condition for allowance and a notice to that effect is earnestly solicited.

Respectfully submitted,
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